

HEINRICH GERS-BARLAG ET AL.
USSN 08/987,468
REPLY TO THE OFFICE ACTION DATED APRIL 8, 2003
AMENDMENT OF December 29, 2003

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

The previous claims have been canceled and replaced by a new set of claims. New main claim 31 is a combination of previous claims 12 & 30. Thus, all of the new claims are limited to the water-in-oil (W/O) emulsions, which the Examiner indicated were allowable in substance.

For the Examiner's convenience, Applicants point out that the new claims correspond to the previous claims as follows:

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<u>New Claim</u>	<u>Previous Claim</u>
31	12 + 30
32, 41	13
33, 42	14
34, 43	15
35, 44	27
36, 45	16
37, 46	17
38, 47	18
39	19
40	20
48	New

Applicants do not believe that the new claims introduce any new matter.

Claims 12-29 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 5,876,702. In response, Applicants point out that previous claim 30 was not subject to this rejection. Therefore, the cancellation of the previous claims in favor of the new set of claims which

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incorporates the subject matter of previous claim 30 moots this rejection.

Claims 12, 13, 16-21, 24-26, 28 and 29 were rejected under 35 USC § 103(a) as being obvious over Allard et al. ("Allard"), U.S. Patent No. 5,616,331. In response, Applicants submit that the cancellation of the rejected claims in place of the new set of claims modeled on non-rejected claim 30 moots this rejection as well.

Claims 14, 15, 22, 23 and 27 were rejected under 35 USC § 103(a) as being obvious over Allard in view of either Billia et al. ("Billia"), U.S. Patent No. 5,486,353, or Robinson et al. ("Robinson"), U.S. Patent No. 5,306,485. In response, Applicants submit that the cancellation of the rejected claims in place of the new set of claims modeled on non-rejected claim 30 moots this rejection as well.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

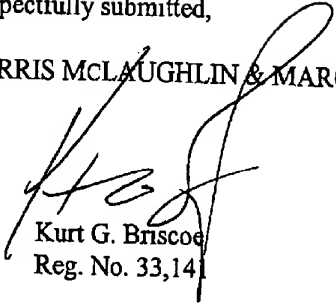
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Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 (16 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: December 29, 2003

By:


Kurt G. Briscoe